



**The Comptroller General
of the United States**

Washington, D.C. 20548

C. Melody - PL

Decision

Matter of: Carolina Parachute Corporation
File: B-227573
Date: July 9, 1987

DIGEST

1. Protester's objection to comprehensive scope of review by Small Business Administration (SBA) in connection with protester's application for a certificate of competency (COC) is without merit since SBA may review all elements of a firm's responsibility in considering a COC application and is not limited to elements relied on in contracting agency's nonresponsibility determination.
2. General Accounting Office will not review contracting agency's underlying nonresponsibility determination where protester fails to pursue SBA review of COC application by failing to submit information requested by SBA.

DECISION

Carolina Parachute Corporation protests award to any other bidder under invitation for bids (IFB) No. DAAK01-87-B-A022(R5), issued by the Army for parachutes. We dismiss the protest.

After bid opening on April 1, 1987, the protester was the apparent low bidder under the IFB. The Army subsequently conducted a preaward survey and found the protester nonresponsible based specifically on its assessment of the protester's production capability. The protester challenged the Army's determination, as a result of which the contracting officer referred the matter to the Small Business Administration (SBA) for consideration of the issuance of a certificate of competency (COC). By letter dated June 15, SBA asked the protester to provide information relevant to the COC review. In a letter to SBA dated June 16, the protester refused to provide the comprehensive information SBA requested, arguing that the SBA review should be limited to its production capability, the area on which the Army's nonresponsibility determination was based. In a letter received by the protester on June 19, SBA

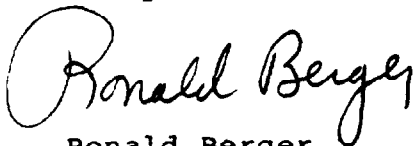
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reiterated its request for all relevant information and advised the protester that it would close its file on the case if the information were not received by June 22. On June 26, the protester filed its protest with our Office challenging the scope of the SBA review, apparently without having furnished any information to SBA.

A small business firm contesting a negative responsibility determination is responsible for filing a complete and acceptable COC application with SBA in order to avail itself of the protection provided by statute against unreasonable determinations of responsibility. Vanbar, B-226107, Feb. 4, 1987, 87-1 CPD ¶ 118. Here, the protester objects to the scope of SBA's request for information, arguing that SBA's review should be confined to the protester's production capability, which was the sole basis for the contracting officer's nonresponsibility determination, and should not extend to its financial capability. In considering a COC application, SBA may review all elements of a firm's responsibility; its review is not limited to those elements relied on by the contracting agency as the basis for its nonresponsibility determination. Skillens Enterprises, B-202508.2, Dec. 15, 1981, 81-2 CPD ¶ 472.

Further, where, as here, a firm fails to pursue the administrative process at SBA specifically established by law to remedy the alleged improper agency action, we will not review the agency's underlying nonresponsibility determination. Such a review in effect would substitute our Office for the SBA, the agency authorized by statute to perform such a review. Ferrite Engineering Labs, B-225997, Feb. 27, 1987, 87-1 CPD ¶ 231.

The protest is dismissed.



Ronald Berger
Deputy Associate
General Counsel